

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

BENJAMIN MARK SMITH,
Plaintiff,

Civ. No. 1:15-cv-01833-CL

ORDER

v.

GALE MCMAHON, et al,
Defendants.

CLARKE, Magistrate Judge.

On September 28, 2015, Plaintiff Benjamin Mark Smith, appearing pro se, filed a Complaint (#1) and an application (#2) for leave to appear *in forma pauperis* (IFP), which was granted on November 23, 2015. Under Rule 4(m) of the Federal Rules of Civil Procedure, a plaintiff is required to serve the summons and complaint on the defendant within 120 days after the complaint has been filed. Plaintiff has failed to do so in this case, though instructions for service were provided to him after his IFP motion was granted.

Plaintiff was therefore ordered to show good cause in writing by January 26, 2016, for why this case should not be dismissed for failure to prosecute. To date, no communication from Plaintiff to the Court has been received. Therefore, it is ordered that this matter is dismissed without prejudice for failure to prosecute and failure to comply with a court order. The Court will enter judgment accordingly.

ORDERED and DATED this 16 day of March, 2016.

A handwritten signature in black ink, appearing to read 'Mark D. Clarke', is written over a horizontal line.

MARK D. CLARKE
United States Magistrate Judge